

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43711 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- JOKIHAT District- Araria

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Pramod Paswan S/O Ramesh Paswan R/O Village- Matiyari Ward No. 10,
Bagnagar Gorbhanali, P.S- Mahalgaon (JOKIHAT), Distt.- Araria.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 08-07-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 11.79 litres of liquor from the house of late Ramchandra
Paswan. It is next submitted that petitioner was not arrested from the
spot as such nothing was recovered from his conscious possession
and after amendment in the Excise Act in the year 2018, the concept
of deemed possession and presumed offender has been done away
with. It is also submitted that petitioner being the son-in-law of late
Ramchandra Paswan came to be implicated in a mechanical manner
when he does not stay in the said house.



4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees five hundred) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Jokihat P.S. Case No.104/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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